

# HOW TO FILE A MOTION TO WITHDRAW A PLEA OF GUILTY<sup>1</sup> TO A CITATION ~MINNEAPOLIS~/~ST ANTHONY~/~THREE RIVERS PARK CITATIONS~

**THIS MOTION PACKET IS TO BE USED ONLY FOR CITATIONS THAT ORIGINATED IN VIBES**

## Instructions:

1. Obtain a court date and a copy of the citation at any of the following locations:

Hennepin County Government Center 300 S. 6 <sup>th</sup> Street Public Service Level Minneapolis MN 55487	Brookdale Courthouse 6125 Shingle Creek Pkwy Suite 200 Brooklyn Center MN 55430	Ridgedale Courthouse 12601 Ridgedale Dr. Suite 300, 3 <sup>rd</sup> Floor Minnetonka MN 55305	Southdale Courthouse 7009 York Ave S. Suite 214, 2 <sup>nd</sup> Floor Edina MN 55435
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- Hearings for Minneapolis citations are set Tuesday-Thursday on the Minneapolis Motions-Misdemeanor calendar at 11:00 a.m. at the Government Center
  - Hearings for St. Anthony citations are set on the St Anthony calendar for 8:30 a.m. on the first and third Wednesday of each month at the Public Safety Facility.
  - Hearings for Three Rivers Park citations are set on the County Attorney Calendar (COAT) for 8:30 a.m. on the fourth Wednesday of the month at the Public Safety Facility.
2. Fill out the attached Notice of Motion and Motion to Withdraw a Plea of Guilty and sign and date it.
  3. Make two copies of the completed Notice of Motion and Motion paperwork. One copy is for you and the other copy must be served upon the prosecutor.
  4. Have a third party (**NOT YOU**) who is 18 years or older, mail a copy of the papers to the other party. They can be mailed on any day EXCEPT a legal holiday. Court Rules require FIRST CLASS MAIL only, not certified or registered mail. The person who mailed the papers to the other party must then complete an Affidavit of Service by Mail.
    - DO NOT have the person fill out the Affidavit of Service by Mail until AFTER they have mailed a copy of the papers to the other party.
    - DO NOT have the person sign the Affidavit of Service by Mail until they are in the presence of a Notary Public or a Deputy Court Administrator.

Minneapolis citations	St. Anthony citations	Three Rivers Park citations
Minneapolis City Attorney City Hall, Room 210 350 South 5th Street Minneapolis, MN 55415	Steven Carlson St. Anthony Prosecutor Foster, Ojile, Wentzell & Brever, LLC 2855 Anthony Lane South, #201 St. Anthony, MN 55418	Office of the Hennepin County Attorney 300 South Sixth Street Floor C-2200 Suite C2168 Minneapolis MN 55487

5. File the **original** Notice of Motion and Motion paperwork, and the **original** Affidavit of Service at any of the locations listed in step #1.
6. **NOTE:** your case **will not** be placed on the Court's calendar until you **file** the original documents which must be done at least seven (7) days prior to the court date.

<sup>1</sup> This statutory notice was provided at the time of your citation: Minnesota Statute §169.91, subd. 3, provides in part, that failure to appear for a petty misdemeanor will be considered a plea of guilty and a waiver of the right to trial.

**State of Minnesota**

County of Hennepin

**District Court**

Judicial District: Fourth

Court File Number: \_\_\_\_\_

Case Type: Criminal

\_\_\_\_\_  
Defendant**NOTICE OF MOTION AND  
MOTION TO WITHDRAW A  
PLEA OF GUILTY TO A CITATION**  
☐ Minneapolis ☐ St. Anthony ☐ Three Rivers Park**Section 1**

Name:	Date of Birth:
Address:	Driver's License Number:
	Phone Number:

**Section 2.**

The citation number is: \_\_\_\_\_ and a copy of the paid citation is attached.

**Section 3**I should be allowed to withdraw my plea of guilty entered on \_\_\_\_\_ for the following reason(s):  
  
  
  
  
  
  
  
  
  
**Section 4**The court hearing is set for \_\_\_\_\_, 20\_\_\_\_, at \_\_\_\_\_ A.M./P.M., at the following location:  
  
  
  
  
  
  
  
  
  

Date: \_\_\_\_\_

\_\_\_\_\_  
Signature\_\_\_\_\_  
Printed name

**State of Minnesota**

County of Hennepin

**District Court**

Judicial District: Fourth

Court File Number: \_\_\_\_\_

Case Type: Criminal

**Affidavit of Service**

STATE OF MINNESOTA )

COUNTY OF \_\_\_\_\_ )  
(County where Affidavit Signed)I, \_\_\_\_\_ being duly sworn upon oath, state that I am at  
(Name of person who mailed the documents)least 18 years of age; that on \_\_\_\_ / \_\_\_\_ / \_\_\_\_ I served the attached documents (**Copy of****Notice of Motion and Motion**) by mailing a true and correct copy to the following party at the  
following address by placing the documents in the U.S. mail in the City of \_\_\_\_\_ with  
sufficient postage:

(Check one)

☐ Minneapolis City Attorney  
City Hall, Room 210  
350 South 5th Street  
Minneapolis, MN 55415☐ Steven Carlson  
St. Anthony Prosecutor  
Foster, Ojile, Wentzell & Brever,  
LLC  
2855 Anthony Lane South, #201  
St. Anthony, MN 55418☐ Office of the Hennepin County Attorney  
300 South Sixth Street  
Floor C-2200 Suite C2168  
Minneapolis MN 55487

Dated: \_\_\_\_\_

Signature \_\_\_\_\_

(Sign only in front of Notary Public or Deputy Court  
Administrator.)Sworn/affirmed before me this  
\_\_\_\_\_ day of \_\_\_\_\_.\_\_\_\_\_  
Notary Public \ Deputy Court Administrator

Name: \_\_\_\_\_

Address: \_\_\_\_\_

City/State/Zip: \_\_\_\_\_

Telephone: \_\_\_\_\_